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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,275	08/22/2006	Keiji Endo	295210US0PCT	6009
22850 7590 10/20/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
LEE, JAE W				
ART UNIT		PAPER NUMBER		
1656				
NOTIFICATION DATE		DELIVERY MODE		
10/20/2010		ELECTRONIC		

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10590275	8/22/2006	ENDO ET AL.	295210US0PCT

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
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JAE W. LEE

ART UNIT	PAPER
1656	20101014

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Commissioner for Patents

The IDS filed on 10/12/2010 has been considered by the Examiner since it meets the criteria as set forth under 37 CFR 1.97. It is noted that although Qi et al. (Localization of a Second SigH Promoter in the Bacillus subtilis sigA Operon and Regulation of dnaE Expression by the Promoter, Journal of Bacteriology, Vol. 172, No. 10, October 1990, pp. 5631-5636, see IDS) teach promoter P4 which controls the expression of SigA during sporulation stage, there is no teaching or suggestion for inserting P4 into a region of 1 to 198 bp upstream of the polynucleotide encoding sigA. Therefore, the claimed invention is novel and unobvious over the prior art references disclosed in the IDS filed on 10/12/2010.

/SUZANNE M. NOAKES/
Primary Examiner, Art Unit 1656